

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMRAM LEVI
40 Cottonwood Drive
Holland, PA 18966

and

JULIE LEVI
40 Cottonwood Drive
Holland, PA 18966

vs.

UNITED STATES POSTAL SERVICE

a/k/a USPS

3190 South 70th Street

Room 201

Philadelphia, PA 19153

And

UNITED STATES OF AMERICA

United States Attorney's Office

615 Chestnut Street

Suite 1250

Philadelphia, PA 19106

AND

JOHN R. WILCOX

501 VINE ST FL 1

Perkasie, PA 18944

CIVIL ACTION NO.: 22-CV-

COMPLAINT

I. Jurisdiction

1. This is a motor vehicle action case between a Pennsylvania resident and a USPS truck, and is brought in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1346.

2. All conditions precedent to the filing under the Federal Tort Claims Act, including the filing of a Standard Form 95, have been completed. See Exhibit "A."

3. No denial letter has been received from the Defendant, and six months have passed since receipt of the SF-95, so this matter is timely under 28 U.S.C. §1346 *et seq.*

4. Venue is proper as the situs of the accident was in the Eastern District of Pennsylvania, in Richland Township, Bucks County. See 28 U.S.C. §1391.

II. Parties

5. Plaintiff, Amram Levi, is an adult individual who at all pertinent times hereto resided at the above-listed address in Bucks County, Pennsylvania.

6. Plaintiff, Julie Levi, is an adult individual who at all times pertinent times hereto resided at the above-listed address in Bucks County, Pennsylvania.

7. Defendant, the United States Postal Service a/k/a USPS is an agency, entity, organization under the control of the United States, and at all times pertinent hereto was operating at 3190 South 70th Street, Philadelphia, PA 19153.

8. Defendant, the United States of America is a country, agency, entity, organization under the control of the United States Attorney General which operates maintains and controls the United States Postal Service and is located at 615 Chestnut Street, Suite 1250 Philadelphia, PA 19106.

9. Defendant, John Wilcox, was the operator of the United States Postal vehicle and was employed by the United States Postal Service and was working under the control of the United States Postal Service and the United States of America at the above-listed address.

III. General Averments

COUNT I

10. Plaintiffs incorporate their averments, 1-9, as if set forth here in full.

11. On or about January 31, 2021, Plaintiff, Amram Levi was the driver of a motor vehicle traveling east on Doylestown Pike in Quakertown, Richland Township, Bucks County, Pennsylvania, when a USPS mail truck operated by Defendant John Wilcox, a United States Postal Service Employee, and owned and controlled by Defendant, United States Postal Service and operated by an employee of the United States Postal Service within the scope and course of his employment and authority, lost control of the vehicle, traveled from the westbound into the eastbound lane of Doylestown Pike, striking Plaintiff's vehicle head on and causing it to flip onto its side.

12. The accident was occasioned by Defendant Wilcox's improper operation of the United States Post Office vehicle within the scope and course of his employment and authority in the westbound lanes of Doylestown Pike causing substantial damage and injury.

13. At all times pertinent hereto, Plaintiff had no responsibility with respect to causing the above-mentioned accident.

14. At all times pertinent hereto, all of the Defendant's actions and omissions occurred as a result of the Defendants and by and through their agents, workmen, servants, employees and others acting on behalf of and for the benefit of the Defendants within the scope and course of their employment and authority.

15. The aforesaid accident was occasioned directly and only as a result of the Defendants' negligence and carelessness which consisted of the following:

- (a) Failing to maintain proper lookout;
- (b) Failing to maintain proper observation;

- (c) Failing to maintain control over the vehicle;
- (d) Failing to operate the vehicle at an appropriate rate of speed;
- (e) Failing to provide proper warnings;
- (f) Failing to have the vehicle under control;
- (g) negligence per se in violation of 75 Pa.C.S. §3361;
- (h) negligence per se in violation of 75 Pa.C.S. §3309;
- (i) Violating various provisions of the appropriate rules and regulations of the road;

16. As a result of the aforesaid negligence of the Defendants caused by the Defendants, jointly and severally, Plaintiff, Amram Levi sustained serious personal injuries to include but not limited to injuries to his nervous system, head, neck, shoulders, lower back, middle back, upper back and surrounding body parts, and other injuries both known and unknown, all of which have caused a loss and impairment of a body part and function and caused and may further cause in the future great pain and suffering and agony and a deprivation of his normal mode of living and a loss of earnings and/or earning power, and the enjoyment of life, some or all of which may be aggravation of prior injuries.

17. As a further result of the aforesaid accident, Plaintiff has endured embarrassment and humiliation and severe emotional distress, and has sustained a loss of life's pleasures, the full extent of which has yet to be determined.

18. As a result of the aforesaid injuries, the Plaintiff has incurred medical and other expenses in treating himself and may be obliged to incur additional expense in the future.

19. Plaintiff avers that the injuries sustained may be of a permanent

nature and character.

20. As a further result of the aforesaid accident, Plaintiff has been unable in the past and is likely to be unable in the future to attend to his usual duties and activities and life's pleasure all to her great financial detriment and loss.

21. As a further result of the aforesaid accident, Plaintiff was caused to incur substantial property damage which was destroyed as a result of the accident to his great financial detriment and harm.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount in excess of Seventy Five Thousand (\$75,000.00) Dollars.

COUNT II
Consortium

22. Plaintiffs incorporate their averments, 1-21, as if set forth here in full.

23. At all times pertinent hereto, Plaintiff, Julie Levi was the lawful wife of Plaintiff, Amram Levi.

24. As a result of the aforesaid accident, Plaintiff, Julie Levi suffered loss of society, companionship, consortium and other pleasures to husband and wife relationships, all to his great detriment and loss, and loss of life's enjoyment.

WHEREFORE, Plaintiff, Julie Levi, demands judgment against the Defendant, in an amount in excess of Seventy Five Thousand (\$75,000) Dollars.

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Attorneys for Plaintiffs

Dated: May 10, 2022